

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4009 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

HUSAINBHAI HASAMBHAI SHAIKH

Versus

KODINAR MUNICIPALITY

Appearance:

MR CH VORA for Petitioner
MR BY SHAH for Respondent No. 1
MR GM JOSHI for Respondent No. 4
None present for other respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of Order: 27/07/1999

ORAL JUDGMENT

#. Today in the court the learned counsel for the petitioner submitted proposed draft amendment but, in view of the order which I propose to pass in this case it is insignificant whether it is granted or not.

#. Heard learned counsel for the parties.

#. The petitioner filed this petition praying for a direction to the respondent that he should be given pay scale of Rs.1350-2200. From the facts of this case, I find that General Body of the respondent Khodinar Nagarpalika unanimously resolved vide resolution No.229 dated 29/3/1996 to give pay scale of Rs.1350-2200 to the petitioner. The proposal was sent for the approval of this decision of the Board to give this pay scale to the petitioner to the Collector, Amreli. However, that has not been accepted. Hence the petitioner is before this court.

#. The learned counsel for the petitioner made reference to the resolution of the Government of Gujarat, Panchayat and Village Housing Development dated 31/1/1992 and urged that as per the entry at Sr. No.5 therein the petitioner is entitled for the pay scale of 1350-2200. It is the case of the learned counsel for the petitioner that the petitioner possess the requisite certificate.

#. The learned counsel for the respondent No.4 on the other hand contended that the case of the petitioner falls under the entry No.18 of the aforesaid resolution.

#. I examined both the entries and I am satisfied that what the learned counsel for the respondent contends is correct. The petitioner is working as Water Works Operator and as per his own case he possesses to his credit Wireman certificate, which has been granted to him on 20/1/1967. The learned counsel for the petitioner on being asked by the court has failed to satisfy what is the certificate, which is necessary to make the petitioner eligible for the entitlement of the pay scale of 1350-2200. In entry No.5 it is mentioned that the pay scale aforesaid is available to the Water Works Operators, who are holding the certificate. In the absence of this it is difficult to accept this contention of the learned counsel for the petitioner. If we go by the entry No.18 it is mentioned that the pay scale of 1150-1500 is available to the Water Works Operator, who is having the second class Wireman Certificate.

#. This petition deserves to be allowed in part. The learned counsel for the petitioner is also agreeable in substance for grant of the pay scale of Rs.1150-1500 to the petitioner from 1/1/1986.

#. In the result, this special civil application succeeds in part. The respondent Nagarpalika is directed

to fix the pay of the petitioner in the revised pay scale Rs.1150-1500 w.e.f. 1/1/1986 and to give him all the consequential benefits. This exercise has to be undertaken and completed within a period of 2 months from the date of the receipt of this order. The compliance of this order has to be reported to the Court.

Rule is made absolute in the aforesaid term.

(S.K.Keshote, J.)

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